

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

TALIKA DURANT and CEDRIC  
DURANT,

Plaintiffs,

v.

Case No.: 2:19-cv-117-FtM-38NPM

WAL-MART STORES, INC.,

Defendant.

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**ORDER**<sup>1</sup>

Before the Court is a sua sponte review of the file. Plaintiffs' counsel moved to withdraw from representation. ([Doc. 30](#)). United States Magistrate Judge Nicholas P. Mizell held a hearing on the motion. Although ordered to appear by phone at the hearing, Plaintiffs never called in or responded to any of the notices sent by email and phone. So Judge Mizell granted counsel's motion to withdraw and ordered Plaintiff to show cause why the case should not be dismissed for failure to prosecute. ([Doc. 36](#)). Again, Plaintiff never responded. Despite having ample time to respond or find new counsel, Plaintiff has done nothing—demonstrating a lack of diligent prosecution. When it appears a case is not being prosecuted, the Court can dismiss if a party fails to show satisfactory cause. [Local Rule 3.10\(a\)](#). Because Plaintiff failed to show satisfactory cause (or even respond at all), the case is dismissed for failure to prosecute.

Accordingly, it is now


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<sup>1</sup> Disclaimer: Documents hyperlinked to CM/ECF are subject to PACER fees. By using hyperlinks, the Court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide, nor does it have any agreements with them. The Court is also not responsible for a hyperlink's availability and functionality, and a failed hyperlink does not affect this Order.

**ORDERED:**

1. This case is **DISMISSED without prejudice** for failure to prosecute.
2. The Clerk is **DIRECTED** to enter judgment, terminate any pending motions or deadlines, and close the file.

**DONE** and **ORDERED** in Fort Myers, Florida this 11th day of May, 2020.

  
SHERI POLSTER CHAPPELL  
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record